

**REMARKS**

**The Section 112 Rejections**

Claims 1-9, 11-18 and 40 were rejected under 35 U.S.C. §112, first paragraph, the Office Action stating that the claimed “second switch” does not appear to be supported by the specification or drawings. Applicants respectfully disagree and traverse these rejections for at least the following reasons.

As described at least on pages 9 and 11 and as shown in FIG. 1, the specification describes a Broadband Interworking Call Router (BICR) 112 which controls “an associated asynchronous transfer mode (ATM) switch 114.” (See specification, page 9, lines 17 and 18.) Once a voice circuit has been established, “the BICR 112 controls ATM switch 114 of a destination call router (DCR) 110 to route voice traffic ... to destination end-office (EO) 118” (see specification, page 11, lines 8-12). The BICR is operable to “intercept originating call signaling, and based on a determination from such call signaling as to whether the call is a voice or an IP call, to direct voice and data calls through the ATM switch to either a voice circuit switch or a remote access server (RAS).” (See page 5, line 22 through page 6, line 5.) In sum, Applicants respectfully submit that the claimed “second switch” may at least be the ATM switch 114 as indicated by the above excerpts from the specification.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-9, 11-18 and 40.

**The Section 102 Rejections**

Claims 1-4, 11-17, 19, 23-29, 32-37 and 41 were rejected under 35 U.S.C. §102(e) as being anticipated by Gregory et al., U.S. Patent No. 6,289,097 ("Gregory"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Each of the claims of the present invention is directed at a method or an apparatus for routing traffic over a Public Switch Telephone Network ("PSTN"). Referring to FIG. 1, it can be seen that the method and apparatus of the present invention is located between two tandem switches which are a part of the PSTN. One goal of the present invention is to provide a "PSTN" off-load (see page 5, line 12). To do so the method and apparatus of the present invention is "interposed within the signaling network and a digitized transmission system of the existing PSTN" (page 6, lines 5-6). The methods and apparatuses of the present invention act "as a node within the signaling network" of the PSTN (see page 6, line 7).

In contrast, Gregory does not disclose or suggest a method for routing traffic over the PSTN. Instead, Gregory appears to prevent traffic from ever reaching the Public Switched Telephone Network 18. Said another way, Gregory does not disclose methods and devices which are "interposed within the signaling network in a digitized voice transmission system of an existing PSTN." In sum, Gregory does not disclose or suggest "routing traffic over a

PSTN,” as is required by the claims of the present invention. Rather, it appears that Gregory’s techniques are located wholly outside of the PSTN.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-4, 11-17, 19, 23-29, 32-37 and 41.

**The Section 103 Rejections**

Claims 5-9, 18, 20-22, 30, 31 and 38-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gregory in further view of Deschaine et al., U.S. Patent No. 6,327,258 (“Deschaine”).

Initially, Applicants note that most of these claims depend on independent claims 1, 19, 23. Accordingly, Applicants respectfully submit that these claims are patentable over a combination of Gregory and Deschaine for the reasons given above, namely, neither Gregory nor Deschaine, taken separately or in combination, discloses routing traffic over a PSTN network.

In addition, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to combine Gregory with Deschaine because to do so would render either one or both of these references unsatisfactory for their intended purposes or require the principle of operation of one or both of these references to be changed. Gregory appears to disclose a repeater 16 which is capable of distinguishing between computer data and a telephone call. In contrast, Deschaine does not disclose a device which is capable of distinguishing between computer data and a telephone call. Instead, Deschaine discloses a class 5 voice switch 16 that serves an origin location and

a separate Internet routing element 24 that handles only IP call types. Any attempt to combine the two would mean that either the repeater in Gregory would have to be modified to accept only a single call type or the Internet routing element 24 or class 5 switch 16 in Deschaine would have to be modified to accept both voice and IP data. Neither is permissible (see MPEP 2143.01).

Accordingly, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to combine Gregory with Deschaine to arrive at the subject matter of claims 5-9, 18, 20-22, 30, 31 and 38-40 of the present invention. Applicants respectfully request withdrawal of the pending rejections and allowance of claims 5-9, 18, 20-22, 30, 31 and 38-40.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

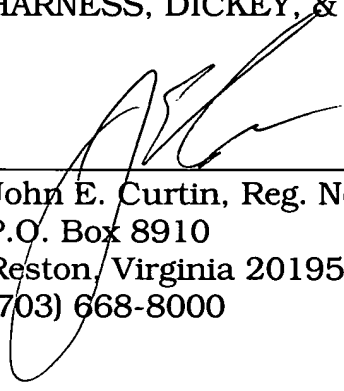
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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